



UTE INDIAN TRIBE

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June 21, 2016

FILED

JUN 21 2016

**SECRETARY, BOARD OF
OIL, GAS & MINING**

Hon. Ruland Gill, Jr.
Utah Board of Oil, Gas & Mining
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84116

Re: Board Docket No. 2016-014, Approval of Wild Horse Enhanced Recovery Unit

Dear Chairman Gill:

Crescent Point Energy U.S. Corp. ("CPE") has approached the Ute Indian Tribe to request its opinion regarding the above-referenced project. The Tribe understands the project is anticipated to include two phases, the first of which will impact, but does not include Tribal mineral acreage. Accordingly, we express no position regarding CPE's request for approval of their Phase I Unit Agreement.

The second phase, if commenced, will include Tribal minerals and the Tribe fully intends to assert its regulatory jurisdiction over Phase II. In June of 2015, the Tenth Circuit Court of Appeals upheld and affirmed the jurisdictional boundaries of the Ute Indian Reservation as they were previously identified in *Ute Indian Tribe v. Utah*, 114 F.3d 1513 (10th Cir. 1997) ("Ute V"). See *Ute Indian Tribe v. Utah*, 790 F.3d 1000 (10th Cir. 2015), *cert. denied*, 577 U.S. ____ (2016) ("Ute VI"). The Tribe's regulatory jurisdiction as affirmed in *Ute VI*, extend to all activities occurring on or directly impacting Indian trust lands and non-trust lands within the Reservation, except as determined in *Ute V*.

Within sixty (60) days of commencing any portion of Phase II, CPE will be required to submit its Phase II Plan of Development (POD). To assist with review of the POD, the Tribe hereby requests the Utah's Department of Oil, Gas & Mining (DOGM) coordinate with the Tribe's Energy and Minerals Department for the transfer of information related to Phase I. This information will help the Tribe to better evaluate Phase II.

We appreciate the State of Utah's cooperation with the Tribe in regulating oil and gas development in Indian Country, and look forward to the success of the Wild Horse Enhanced Recovery Unit. If you have any questions, please contact the Business Committee at 435.722.5141. Thank you.

Sincerely,

Shaun Chapoose
Chairman, Ute Tribal Business Committee